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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-0033 WHA
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME APRIL 1, 2009
v.)	THROUGH APRIL 14, 2009
)	
JEFFREY DAVID SCHINKEL,)	
)	
Defendant.)	

This matter was set for Motions Setting / Status on April 1, 2009. On March 27, 2009, the parties filed a Stipulation and Proposed Order with the Court seeking a continuance and stipulated that time should be excluded from the Speedy Trial Act calculations from April 1, 2009 through the date of the continuance. (*ECF Docket No. 18*). In that Stipulation, the parties represented that granting the continuance was necessary for effective preparation of counsel, due to the nature and volume of the computer-based discovery to be analyzed and reviewed, and to afford defense counsel time to review the computer-based discovery and a report to be produced regarding the analysis of the computer media. The parties further stipulated that an exclusion of

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time was appropriate for the same reasons, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). On March 31, 2009, this Court granted a continuance from April 1, 2009 to April 14, 2009. The parties now seek to memorialize a time-exclusion from April 1, 2009 through April 14, 2009 and stipulate that this exclusion of time is appropriate for the reasons set forth in the March 27, 2009 Stipulation and Proposed Order (Docket No. 18) and those set forth herein.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: April 1, 2009

/s/
DENISE MARIE BARTON
Assistant United States Attorney

DATED: April 1, 2009

/s/
EDWIN PRATHER
CRAIG BESSENGER
Attorney for JEFFREY DAVID SCHINKEL

For the reasons stated above and in the March 27, 2009 Stipulation and Proposed Order, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from April 1, 2009 through April 14, 2009 for effective preparation of counsel. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: April 3, 2009

HONORABLE WILLIAM H. ALSUP
United States District Court Judge

